

The Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLARENCE E. DANIELS,

Defendant.

NO. CR24-5100-RSM

**PRELIMINARY ORDER OF  
FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Clarence E. Daniels' interest in the following property ("Subject Property"):

- One Heckler & Koch, Model HK45C, .45 handgun;
- One Ruger, Model 10/22 Carbine, .22 caliber rifle; and
- Any associated ammunition.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate for the following reasons:

- 1 • The Subject Property is forfeitable pursuant to 18 U.S.C. § 924(d)(1), by
- 2 way of 28 U.S.C. § 2461(c), as property that was involved in Defendant's
- 3 commission of *Unlawful Possession of a Firearm*, as charged in Count 1 of
- 4 the Indictment; and,
- 5 • In the Plea Agreement he entered on July 15, 2024, Defendant agreed to
- 6 forfeit the Subject Property pursuant to 18 U.S.C. § 924(d)(1), by way of
- 7 28 U.S.C. § 2461(c). Dkt. No. 26 ¶ 13.

8

9 NOW, THEREFORE, THE COURT ORDERS:

10 1) Pursuant to 18 U.S.C. § 924(d)(1), by way of 28 U.S.C. § 2461(c), and

11 Defendant's Plea Agreement, Defendant's interest in the Subject Property is fully and

12 finally forfeited, in its entirety, to the United States;

13 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)–(B), this Preliminary Order will

14 be final as to Defendant at the time he is sentenced, it will be made part of the sentence,

15 and it will be included in the judgment;

16 3) The Department of Justice, Bureau of Tobacco, Alcohol, Firearms and

17 Explosives (ATF), and/or its authorized agents or representatives, shall maintain the

18 Subject Property in its custody and control until further order of this Court;

19 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the

20 United States shall publish notice of this Preliminary Order and its intent to dispose of the

21 Subject Property as permitted by governing law. The notice shall be posted on an official

22 government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least 30 days. For any person

23 known to have alleged an interest in the property, the United States shall, to the extent

24 possible, provide direct written notice to that person. The notice shall state that any

25 person, other than the defendant, who has or claims a legal interest in the property must

26 file a petition with the Court within sixty (60) days of the first day of publication of the

27 notice (which is thirty (30) days from the last day of publication), or within thirty (30)

1 days of receipt of direct written notice, whichever is earlier. The notice shall advise all  
2 interested persons that the petition:

- 3 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged  
4 interest in the property;
- 5 b. shall be signed by the petitioner under penalty of perjury; and,
- 6 c. shall set forth the nature and extent of the petitioner's right, title, or interest  
7 in the property, as well as any facts supporting the petitioner's claim and  
8 the specific relief sought.

9 5) If no third-party petition is filed within the allowable time period, the  
10 United States shall have clear title to the property, and this Preliminary Order shall  
11 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

12 6) If a third-party petition is filed, upon a showing that discovery is necessary  
13 to resolve factual issues it presents, discovery may be conducted in accordance with the  
14 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
15 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
16 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
17 adjudication; and,

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DATED this 9<sup>th</sup> day of October, 2024.

RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

*s/ Jehiel I. Baer*  


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